IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

PURDUE PHARMA L.P., THE P.F. LABORATORIES, INC., PURDUE PHARMACEUTICALS L.P. and RHODES TECHNOLOGIES,))))	
Plaintiffs,)	
v.)	C.A. No. 15-cv-13099-FDS
COLLEGIUM PHARMACEUTICAL, INC.,)	
Defendant.)	

JOINT STATUS UPDATE REGARDING FEDERAL CIRCUIT DECISION IN PURDUE PHARMA L.P. V. EPIC PHARMA, LLC, No. 2014-1294

Defendant Collegium Pharmaceutical, Inc. ("Collegium") and Plaintiffs Purdue Pharma L.P., The P.F. Laboratories, Inc., Purdue Pharmaceuticals L.P., and Rhodes Technologies ("Purdue") hereby provide this joint status report regarding the Federal Circuit decision in *Purdue Pharma L.P. v. Epic Pharma, LLC*, No. 2014-1294, pursuant to this Court's order dated December 23, 2015 (D.I. 46). On February 1, 2016, the Federal Circuit issued a decision upholding the Southern District of New York's finding of invalidity of certain claims of U.S. Patent Numbers 7,674,799, 7,674,800, and 7,683,072 (the "low-ABUK patents"). The Federal Circuit's decision is attached hereto as Exhibit A.

Given the Federal Circuit's affirmance, the parties stipulate to the judgment attached hereto as Exhibit B. Collegium requests that judgment be entered as quickly as possible. The parties do not believe that there is need for a hearing or conference on this matter and propose that the hearing scheduled for February 25 be vacated. The parties request that the stay be

Case 1:15-cv-13099-FDS Document 51 Filed 02/04/16 Page 2 of 3

terminated, and will comply with the Court's procedures for setting a schedule with respect the

remaining issues in the case.

Notwithstanding stipulation to prompt entry of the judgment attached hereto as Exhibit B,

Plaintiffs reserve their rights to seek Federal Circuit panel rehearing, en banc rehearing, and

United States Supreme Court review of the Federal Circuit's panel decision attached hereto as

Exhibit A, and further reserve their rights to seek to avoid the stipulated judgment and its effects,

including seeking reinstatement of the 30-month stay under 35 U.S.C. § 355(c)(3)(C), if they are

successful in obtaining reversal of the Federal Circuit panel decision on any request for further

review. Collegium reserves all rights to oppose such relief and to show that the 30-month stay in

this case may not be reinstated.

Respectfully submitted,

Date: February 4, 2016

By /s/ Jake M. Holdreith

Jake M. Holdreith (admitted pro hac vice)

Jamie R. Kurtz (admitted pro hac vice)

Kelsey J. Thorkelson (admitted pro hac vice)

Robins Kaplan LLP

2800 LaSalle Plaza

800 LaSalle Avenue

Minneapolis, MN 55402-2015

612-349-8500

Christopher P. Sullivan (BBO#485120)

Robins Kaplan LLP

800 Boylston Street

Suite 2500

Boston, MA 02199

Attorneys for Defendant Collegium

Pharmaceutical, Inc.

/s/ John H. Normile

Christopher M. Morrison (BBO#651335)

JONES DAY

100 High Street 21st Floor Boston, MA 02110

Telephone: (617) 960-3939 Facsimile: (617) 449-6999 cmorrison@jonesday.com

John J. Normile (admitted *pro hac vice*) Kenneth S. Canfield (admitted *pro hac vice*) JONES DAY 222 East 41st Street New York, NY 10017

Telephone: (212) 326-3939 Facsimile: (212) 755-7306 jjnormile@jonesday.com kcanfield@jonesday.com

Gregory Castanias (admitted *pro hac vice*) Jennifer L. Swize (admitted *pro hac vice*) JONES DAY 51 Louisiana Avenue, N.W. Washington, D.C. 20001

Telephone: (202) 879-3939 Facsimile: (202) 626-1700 gcastanias@jonesday.com jswize@jonesday.com